



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,633	08/01/2002	Richard Fletcher	TAGSENSE/ID	5333

31899 7590 10/07/2003

RICHARD FLETCHER  
TAGSENSE, INC.  
432 COLUMBIA STREET, STE B13B  
CAMBRIDGE, MA 02141

EXAMINER
----------

LA, ANH V

ART UNIT	PAPER NUMBER
----------	--------------

2636

DATE MAILED: 10/07/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/064,633

Applicant(s)

FLETCHER, RICHARD

Examiner

Anh V La

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.                      6) ☐ Other: .

**DETAILED ACTION**

1. The claims are objected to because a comma or semicolon is required at the end of each element or sentence. A period (.) is required at the end of each claim.

2. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claim 4, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 5-6, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Eberhardt (US 6,580,369).

Regarding claim 1, Eberhardt discloses a radio frequency identification label comprising a tag circuit 108 producing an electromagnetic signal containing information,

Art Unit: 2636

an antenna element 104, an external tag reader device, a substrate 102 material layer, a defined marker region 204, 206, 202 on the substrate, and a tag circuit.

Regarding claim 2, Eberhardt discloses a digital electronic integrated circuit 108.

Regarding claim 5, Eberhardt discloses the substrate layer being comprised of woven cloth (col. 2, lines 50-55).

Regarding claim 6, Eberhardt discloses the marker region being comprised of woven cloth (col. 2, lines 50-60).

Regarding claim 20, Eberhardt clearly discloses the information generated by the tag circuit being encrypted by a function that is dependent on the electronic properties of the marker region.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eberhardt in view of Wrighton.

Regarding claim 3, Eberhardt discloses all the claimed subject matter as set forth above in the rejection of claim 1, and further discloses the circuit being comprised of passive component, but does not disclose polymer-based transistors. Wrighton teaches the use of polymer-based transistors (column 11, lines 20-30). It would have been

obvious at the time the invention was made to a person having ordinary skill in the art to include polymer-based transistors to the label of Ebergardt as taught by Wrighton for the purpose of processing information.

8. Claims 4, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eberhardt in view of Lastinger.

Regarding claim 4, Eberhardt discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose chipless material structures comprising one or more resonant circuits. Lastinger teaches the use of chipless material structures comprising one or more resonant circuits (figure 3). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include chipless material structures comprising one or more resonant circuits polymer-based transistors to the label of Ebergardt as taught by Lastinger for the purpose of processing information.

Regarding claim 15, Eberhardt discloses the marker region being electrical coupled to the object (col. 2, lines 50-64).

9. Claims 7, 11, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eberhardt in view of Ahlstrom.

Regarding claim 7, Eberhardt discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose the label being inductively-coupled to a tag reader. Ahlstrom teaches the use of the label being inductively-coupled

Art Unit: 2636

to a tag reader (col. 6, lines 10-30). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the label being inductively-coupled to a tag reader to the label of Ebergardt as taught by Ahlstrom for the purpose of processing information.

Regarding claim 11, Eberhardt discloses the marker region being electrical coupled to the object (col. 2, lines 50-64).

Regarding claim 16, Eberhardt discloses the marker region being comprised of a printed pattern of electrically conductive ink (col. 2, lines 50-64).

10. Claims 8, 12, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eberhardt in view of US 6,404,339.

Regarding claim 8, Eberhardt discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose the label being capacitively-coupled to a tag reader. US 6,404,339 teaches the use of the label being capacitively-coupled to a tag reader (col. 12, lines 25-40). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the label being capacitively-coupled to a tag reader to the label of Ebergardt as taught by US 6,404,339 for the purpose of processing information.

Regarding claim 12, Eberhardt discloses the marker region being electrical coupled to the object (col. 2, lines 50-64).

Regarding claim 17, Eberhardt discloses the marker region being comprised of a printed pattern of electrically conductive ink (col. 2, lines 50-64).

11. Claims 9, 13, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eberhardt in view of Wrighton as applied to claim 3 above, and further in view of Ahlstrom.

Regarding claim 9, Eberhardt discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose the label being inductively-coupled to a tag reader. Ahlstrom teaches the use of the label being inductively-coupled to a tag reader (col. 6, lines 10-30). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the label being inductively-coupled to a tag reader to the label of Eberhardt as taught by Ahlstrom for the purpose of processing information.

Regarding claim 13, Eberhardt discloses the marker region being electrical coupled to the object (col. 2, lines 50-64).

Regarding claim 18, Eberhardt discloses the marker region being comprised of a printed pattern of electrically conductive ink (col. 2, lines 50-64).

12. Claims 10, 14, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eberhardt in view of Wrighton as applied to claim 3 above, and further in view of US 6,404,339.

Regarding claim 10, Eberhardt discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose the label being capacitively-coupled to a tag reader. US 6,404,339 teaches the use of the label being

Art Unit: 2636

capacitively-coupled to a tag reader (col. 12, lines 25-40). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the label being capacitively-coupled to a tag reader to the label of Ebergardt as taught by US 6,404,339 for the purpose of processing information.

Regarding claim 14, Eberhardt discloses the marker region being electrical coupled to the object (col. 2, lines 50-64).

Regarding claim 19, Eberhardt discloses the marker region being comprised of a printed pattern of electrically conductive ink (col. 2, lines 50-64).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V La whose telephone number is (703) 305-3967. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (703) 305-4717. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Anh V La  
Primary Examiner  
Art Unit 2636